

Stanton, Jim

From: Merritt, Allen
Sent: Monday, June 30, 2003 3:43 PM
To: Luke, Tim; Fritschle, Carter; Peppersack, Jeff
Cc: Saxton, Glen; Rassier, Phil; Blau, Terry; Freitag, John; Funderburg, Gary; Knowles, Corbin; Merritt, Allen; Skinner, Corey; Stanton, Jim; Yenter, Cindy (Hodges); Christensen, Kelly; Hancock, Vikie; Jones, Doug; Robertson, Jean
Subject: Delivery of certain waters in Big and/or Little Wood River from shares in either Big Wood Canal Co. or AFRD #2

There may be a dispute brewing regarding delivery of "Carey Act Water" in the Big Wood system. I understand that "Carey Act" water is those waters supplied to shareholders either in the Big Wood Canal Co. or American Falls Reservoir District #2.

I got a call from Lynn Harmon last week asking who had responsibility of delivery of water coming directly out of the river even if it was "Carey Act" or share water. I told him that it was my opinion that the watermaster would have regulatory authority but that is not to say he may deputize someone to see that it is delivered and that person could be one of the ditch riders from the BWCC. I told him that the WM needs to know how the "Carey Act" water enters and leaves the rivers.

I got a call from Lee Peterson, watermaster for 37 and 37M, this morning and got the other half of the story. Lee indicated that historically "Carey Act" water has been somehow treated differently in the system as he was told by prior BWCC managers. In the past those people who solely have rights represented by shares have been allowed to put pumps directly in the rivers by the BWCC and take delivery of their shares since the water in the lower reaches of the river have storage water injected into these streams. These diversions are essentially "solely" to deliver this storage water and the watermaster has not regulated these diversions although he charges the BWCC for their decreed rights. There are a handful of these diversions which involve several small domestic type uses and a couple of large irrigation diversions. Apparently none of these diversions have headgates (only pumps) and non have measuring devices and the watermaster does not regulate these diversions...he feels it is the responsibility of the canal company to deal with these diversions. Lee seemed to be supporting some sort of waiver of measuring devices for small domestic share holders with pumps in the river since I believe he may be one of them.

The questions that come to mind are... -Who is responsible for monitoring these diversions?
-Who is responsible for maintaining headgates and measuring devices?
-Can there be a waiver of measuring devices and headgates for small "domestic" users?
-Does the BWCC or AFRD #2 list all these pd's on their water rights and are they required to file transfers every time they put in pumps?

To sort through these and other questions I proposed to Lee that a meeting be arranged with him and Mr. Harmon to sort through these questions. I think that SRBA and Tim should be involved since it would help everyone in understanding how these guys have been administering these waters historically and how they should in the future. It is my opinion that BWCC should be required to maintain headgates or control works on all their shareholders diversions. I'm unclear as to their requirement to file transfers to add pumps in the river in light of 42-105.

I am willing to set up a meeting....what are your interests in attending and available dates?